



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

ACTION AGENDA

Hickory City Council
76 North Center Street

May 17, 2016
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Heather Davis, Associate Pastor, First Presbyterian Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Mr. Gar Atchison, CEO, Duke LifePoint, Discussion of Community Healthcare Plans

Mr. Garr Atchison discussed the transition of Frye Regional Medical Center to Duke LifePoint Healthcare.
- V. Persons Requesting to Be Heard
 - A. Mr. Billy Sudderth, Multipurpose Resource Center at Ridgeview

Mr. Billy Sudderth discussed the need for a Multipurpose Resource Center at Ridgeview. He requested City Council's support for development of a center.
 - B. Mr. Robert Russell, a Social Worker, advised that he had worked with Billy Sudderth. He discussed the Warlick property that Mr. Sudderth was referring to.
 - C. Mr. Cliff Moone, 2925 8th Street Court NE, discussed House Bill 2.
- VI. Approval of Minutes
 - A. Regular Meeting of May 3, 2016. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
 - A2** A. Acceptance of the North Carolina Department of Transportation Municipal Maintenance Agreements. **(First Reading Vote: Unanimous)**
 - A2** B. Approval of a Supplemental Agreement with North Carolina Department of Transportation for the Roundabouts on Sandy Ridge Road at 21st Avenue NE and 29th Avenue Drive NE. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

PH A. Call for Public Hearing for Consideration of the City Manager's FY2016-2017 Recommended Budget. **(Authorize Public Hearing for June 7, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).**

A1 B. Approval of Close-out Change Order Number 2 for the Sherwood Forest Sewer Project with Hickory Sand Company, Inc. **(Exhibit VIII.B.)**

The Sherwood Forest sewer project included proposed construction of approximately 7,600 linear feet of 8-inch PVC or ductile iron sanitary sewer lines. Change order two with Hickory Sand Company, Inc. is for reconciliation of actual quantities used versus proposed design. The reduction of \$22,406 in the contract amount reflects the appropriate adjustment due to a balancing of all units. Change order two will result in a final construction price of \$697,745.50 and represents a 3.11 percent decrease to the original construction price. Staff recommends Council's approval of project close-out change order two for the Sherwood Forest sewer project with Hickory Sand Company, Inc. in the reduced amount of \$22,406.

A1 C. Approval of a Bid and Award the Contract to Astron General Contracting Co., Inc. in the Amount of \$163,440 for the Repairs to the Bridge on 21st Avenue NW over Horseford Creek. **(Exhibit VIII.C.)**

In the 2014 inspection of the bridge located on 21st Avenue NW over Horseford Creek it was noted that the beams supporting the bridge deck were not performing as designed. The beams are made of a particular type of steel that is expected to form a dense coat of rust and not require painting or further maintenance. Instead of protecting the steel with the rust coating, the rust on the beams is flaking off and causing the beams to lose a portion of their load capacity. The best remedy for the situation is to clean and paint the affected ends of the beams. Because the bridge is over Horseford Creek, all materials involved in the cleaning and painting must be captured and removed from the site. Two bids were received for the project, R.E. Burns & Sons Co., Inc. submitted a bid for \$264,965 and Astron General Contracting Co., Inc. submitted a bid for \$163,440. Staff recommends approval of the contract with the low responsible bidder, Astron General Contracting Co., Inc. in the amount of \$163,440 for the repairs to the bridge on 21st Avenue NW over Horseford Creek.

A D. Approve the Acceptance of the 2016 Urgent Repair Program Grant and Approval of the Assistance and Procurement Policies. **(Exhibit VIII.D.)**

In January 2016, the City of Hickory Community Development Division applied for funding through the North Carolina Housing Finance Agency's Urgent Repair Program. The City of Hickory has been awarded \$75,000 through this program in order to assist approximately ten very low income homeowners with urgently needed repairs in an amount not to exceed \$8,000 per housing unit. The City of Hickory will provide an additional \$5,000 in matching funds, which are available from Rental Rehabilitation program income. The total program budget will be \$80,000. NC Housing Finance Agency requires the City of Hickory to prepare Assistance and Procurement Policies. These policies must be made available to the public and explain the guidelines of the URP 16 program. The prepared policies incorporate program requirements, applicant eligibility standards, and program capabilities. Upon approval by Hickory City Council, these policies will be submitted along with additional required information to the NC Housing Finance Agency (NCHFA). Upon receipt and acceptance by NCHFA, funds will be dispersed to the City of Hickory in order to begin repairs to eligible homes. Staff recommends City Council accept the 2016 Urgent Repair Program Grant and approve the Assistance and Procurement Policies.

A E. Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.E.)**

The following requests were considered by the Citizens' Advisory Committee at their regular meeting on May 5, 2016:

- Jennifer N. Starnes was approved for recommendation to City Council for first-time homebuyer's assistance to purchase a house located at 159 12th Street Court SE, Hickory. She has requested \$5,000 for assistance with down payment and closing costs. The First-Time Homebuyers Assistance Loan is zero interest, no payments and repaid upon sale, refinance or payoff of first mortgage.
- Rosalyn Reinhardt, 721 7th Avenue Court SE, Hickory, was awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$15,000 for repairs to her house. Assistance would be in the form of a zero percent interest deferred loan.
- Ronald & Gail Stoddart, 1206 10th Street NW, Hickory, were awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$15,000 for repairs to their house. Assistance would be in the form of a three percent interest loan for a ten year period.

Funds are budgeted for these items through the City of Hickory's former Rental Rehabilitation program income and/or program income received through the City of Hickory's Community Development Block Grant Program. The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs.

- A F.** Request from Hickory Police Department to Award Police Badge and Service Weapon to Retiring Chief of Police Tom Adkins. **(Exhibit VIII.F.)**

By authority of NC General Statute §20-187.2, City Council may award the service weapon (Glock Model 19-Serial #UWA998) and police badge to retiring Chief of Police Tom Adkins upon his retirement from Hickory Police Department on June 30, 2016 after completing 30 years of qualifying service with Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory.

- A1 G.** Budget Ordinance Amendment Number 23. **(Exhibit VIII.G.)**

1. *To appropriate additional funds from General Fund Balance in the amount of \$35,000 to cover OHM, Holdings LLC's parking lot construction (Purchase Order #068798).*
2. *To return unspent funds in the amount of \$86,560 to the Capital Reserve. Horseford Creek bridge repairs were estimated at \$250,000, however the low bid came in under this budgeted estimate at \$163,440. Low bidder was Astron General Contracting Co.*
3. *To appropriate initial funding of \$100,000 from General Fund Balance into Fund 61 (General Capital Projects) for purposes of setting up a new Capital Project Ordinance for the Lackey Park. Initial funding will be placed into the new project's design line-item.*
4. *To appropriate \$18,000 from General Fund Contingency into General Capital Projects (Bond Projects 7500) administrative line item. This funding will serve to contract with Martin McGill Management Consulting for grant preparation services for the 2016 Department of Transportation TIGER Discretionary Grant Program.*
5. *To recognize as revenue \$2,200 in donations for the 2015-16 Unifour Senior Games Sponsorships.*
6. *To recognize as revenue \$7,020 in registration fees for the 2015-16 Unifour Senior Games.*

- A1 H.** Capital Project Ordinance Amendment Number 1. **(Exhibit VIII.H.)**

1. *To appropriate funding from General Fund Balance into General Capital Projects (Bond Projects 7500) administrative line item. This funding will serve to contract*

A1 I. Capital Project Ordinance Number 2. **(Exhibit VIII.I.)**

1. *To appropriate initial funding from General Fund Balance into Fund 61 (General Capital Projects) for purposes of setting up a new Capital Project Ordinance for the Lackey Park. Initial funding will be placed into the new project's design line-item.*

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports:

A1 1. Approval to Purchase the Town of Long View Water Pump Station and Intake (PIN 2793-48-2212) in the Amount of \$401,852.55. **(Exhibit XI.B.1.)**

On March 10, 2014, City Council approved an Agreement to Purchase Water with the Town of Long View. A condition of the contract included the Lease of the Town of Long View Raw Water Pump Station and Intake property in the amount of \$1,500 per month, with a first right of refusal should the Town of Long View decide to sell the property. The Town of Long View has notified the Public Utilities Department of their desire to sell the property, structures, easements and rights of way associated with this facility. After negotiations between the Town of Long View and Public Utilities Staff the agreed amount was \$401,852.55. This offer is substantially reduced compared to the original asking price of the Town of Long View, and is less than the 25 year lease payment value if paid in full. The Town of Long View will also purchase up to 2,500,000 gallons of water per day. The purchase of the pump station was not budgeted in the current budget and would need to be funded from Public Utilities Fund Balance. Staff recommends Council's approval to purchase the property and all rights of easement associated with the Town of Long View Raw Water Pump Station and Intake (PIN 2793-48-2212) in the amount of \$401,852.55. Staff requests Council's approval for the City Manager to execute the Offer to Purchase and Contract, and City Attorney John Crone to complete the transaction.

A 2. Appointments to Boards and Commissions

CITIZEN'S ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area Paul Carswell Resigned 4-6-16
(moved out of the project area)

Alderman Guess Nominated Lydia Doll as the Small Cities Project Area Representative, Citizen's Advisory Committee

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Other Minority VACANT

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
(Appointed by City Council)
Burke County (Mayor to Nominate) VACANT Since 8-6-2008

Brookford (Mayor to Nominate) VACANT Since 6-2006

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)

(6) Positions VACANT

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by Council)

At-Large (1) Mayor Appoints - Jane Everson resigned 4-14-2016

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 3 VACANT

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Alderwoman Patton mentioned the Choral Society and the beach music that was held Under the Sails. Sunday was a wonderful success and very well attended and the music was greatly appreciated. They did a wonderful job.

Alderman Tarlton agreed, he had attended as well and it was a nice time.

Mayor Wright regrettably was not there, but he had heard some wonderful things about it.

Alderwoman Patton commented they were to be commended.

City Manager Mick Berry advised Council on the Consent Agenda they had called for the public hearing on the Manager's Recommended Budget for the next Council meeting. He advised Council that they had a physical, scaled down copy, and that it had been on the website for quite a while. Additional information would be added to it to receive certain recognitions, but the budget was available for the public to review and it would be formally presented to Council at their next meeting prior to holding the public hearing.

Alderman Lail commented that the City was running on 18 straight years of distinguished award for the budget presentation. He joked that the copy was a lot thinner than in years past. He knew that they didn't give out the award based on thickness.

Mr. Berry replied the one that will be submitted will contain more information. The copy contained all of the information that Council would need to know, the other information was the things that they recommend we do.

Mayor Wright interjected be careful of people telling you that is all you need to know.

Alderman Lail commented they wanted to keep the streak alive on the budget.

Mr. Berry commented they would. It was a lot to ask of the Finance Staff, because they were literally crunching the numbers up until a few days ago, for them to make copies of everything to give to Council. They just gave Council the real "meat" and add the "potatoes" later.

Alderman Seaver joked if they weighed the document, they could use heavy paper.

Mayor Wright advised that he had learned this week that Hickory had been Hickory Tavern, and then Hickory. It had been a product of a merger with Highland and Berryville. He thought with the name Berryville it had come full circle.

Alderman Seaver commented also West Hickory was a separate entity at one time.

Mayor Wright thought it was, but he didn't know that it was ever incorporated.

Alderman Zagaroli updated Council on the fire engine that he and Chief Fred Hollar had found at the museum. They had taken it to the mechanical department and were restoring it, putting new tires on it, and benches in the back. He advised that he would probably bring a picture at the next meeting of the 1937 America LaFrance that actually Fred drove. The fire engine will be for usage in parades and promotions, and it is a gorgeous machine, and we all will be proud of it.

Alderman Seaver asked if it would still have firefighting capability.

Alderman Zagaroli responded no. They would have a minion behind it that will help the firefighters.

Mayor Wright mentioned the jet flying around on Saturday. He advised that the City now owns a Prowler, which is a magnificent jet. The big wings on it fold over all the way back to the top of the cockpit when parked. It has what appears to be an antennae sticking out, much like an injured spider. He advised that only two are going into private aviation museums, at least at this point. They are very proud to have that. He commented there were thousands of people out there Saturday watching that plane come down. They put on quite a show.

Alderman Tarlton asked if it was a local pilot.

Mayor Wright commented no. He was flying his last flight, he was retiring too. The fire department was there doing the arch of water over the plane, and the symbolism that it was the plane's and the pilot's last flight. It was touching, a lot of kids there, a wonderful experience. He encouraged citizens to go out to the airport and look at the air force.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

1. Approval of Closed Session Minutes of April 19, 2016 - NCGS §143-318.11(a)(1)
2. Discussion of Potential Litigation - NCGS §143-318.11(a)(3)

XV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**